

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

WILLIE DAVIS, JR., NATHANIEL BRIDDELL,)
GEORGE W. FEDDIMAN, JOSEPH GARRISON,)
LARRY E. GIBBS and ROY H. WALTERS,)

C. A. NO. 04-0414-SLR

ALL SIMILARLY-SITUATED CURRENT AND)
FORMER EMPLOYEES OF MOUNTAIRE)
FARMS, INC., MOUNTAIRE FARMS OF)
DELMARVA, INC., and MOUNTAIRE FARMS)
OF DELAWARE, INC.,)

JURY TRIAL DEMANDED

COLLECTIVE ACTION

Plaintiffs,)

v.)

MOUNTAIRE FARMS, INC.,)
MOUNTAIRE FARMS OF DELMARVA, INC.,)
and MOUNTAIRE FARMS OF)
DELAWARE, INC., all Delaware corporations,)

Defendants.)

PLAINTIFFS' PROPOSED VOIR DIRE TO JURY PANEL

Good morning, ladies and gentlemen. I am Judge Robinson, and I will be presiding over the trial for which a jury is about to be drawn in the case captioned Davis v. Mountaire Farms. Briefly stated, this case is a civil action brought by plaintiff(s) Willie Davis, Jr., Nathaniel Briddell, Joseph Garrison, Larry E. Gibbs and Roy H. Walters against the Defendant Mountaire Farms of Delmarva, Inc.

The trial is expected to last from _____; our trial days will run approximately from _____ a.m. to _____ p.m.

Plaintiffs are represented by Jeffrey K. Martin, an attorney with Martin & Wilson. Defendants are represented by Arthur Brewer and Eric Hemmendinger, attorneys with Shawe & Rosenthal. With them is Matthew Boyer, of Connelly, Bove, Lodge & Hutz.

In light of this brief summary, I will ask the panel certain questions, the purpose of which is to: (1) enable the Court to determine whether or not any prospective jurors should be excused for cause; and (2) enable counsel for the parties to exercise their individual judgment with respect to peremptory challenges, that is, challenges for which no reason need be given by counsel. If any of you answer any question "yes," please stand up and, upon being recognized by the Court, state your juror number. When I have concluded asking all the questions, we will call you to the bench individually to speak with you about your affirmative response or responses.

HAVE CLERK ADMINISTER OATH TO THE PANEL

1. Is any member of the panel related to the plaintiffs? They are Willie Davis, Jr., Nathaniel Briddell, Joseph Garrison, Larry E. Gibbs and Roy H. Walters?
2. Is any member of the panel related to the defendant or personally acquainted with any officer, director, or employee of, or ever done business with, Mountaire Farms?
3. Is any member of the panel related to, or personally acquainted with Jeffrey Martin, plaintiffs' attorney or ever been represented by him or another member of his law firm, Martin & Wilson?
4. Is any member of the panel related to, or personally acquainted with Arthur Brewer or Eric Hemmendinger, defendant's attorneys or ever been represented by him or by any associate or member of their law firm, Shawe & Rosenthal? Is any member of the panel related to, or personally acquainted with Matthew Boyer, defendant's attorneys or ever been represented by him or by any associate or member of his law firm, Connolly, Bove, Lodge & Hutz?
5. Is any member of the panel related to, or personally acquainted with, any of the following individuals who might appear as witnesses in this case:

Willie Davis, Jr., Nathaniel Briddell, Joseph Garrison, Larry E. Gibbs and Roy H. Walters, Phillip Owen, Douglas Lynch, David Nuse, Susan McCauley, Alan Zlotorzynski

6. Does any member of the panel have any personal knowledge of this case, or have you read or heard it discussed, or have any opinion regarding it?
7. Has any member of the panel ever served as a juror in a Fair Labor Standards Act or other lawsuit involving wage and hour law?
8. Does any member of the panel have any experience with, or knowledge of, the Fair Labor Standards Act or other wage and hour laws?
9. Do you have any strong feelings about lawsuits in general?
10. If so, would you be unable to render a fair and impartial verdict based solely upon the evidence present in court and under the law as presented to you?
11. Have you ever been party in a lawsuit?
12. Have you or any member of your family ever made a claim or had a claim made against you based upon overtime compensation?
13. Do you know of any other matter which you believe should be called to the Court's attention as to having some bearing upon your qualifications or ability to sit as a juror, or which you think may prevent you from rendering a fair and impartial verdict based solely upon the evidence in my instructions as to the law?